children of several persons. See 2 JARMAN, WILLS, 6 ed., 1711. This is true where the gift is to the children of X. and Y. in equal shares. *Armitage* v. *Williams*, 27 Beav. 346; *Budd* v. *Haines*, 52 N. J. Eq. 488, 29 Atl. 170. So also where it is to the children of X. and the children of Y. *Lady Lincoln* v. *Pelham*, 10 Ves. Jr. 166; *Britton* v. *Miller*, 63 N. C. 268. A gift to X. and Y. and their children is treated in the same way. *Cunningham* v. *Murray*, 1 De G. & Sm. 366. And so is a gift to a class and their children. See *Almand* v. *Whitaker*, 113 Ga. 889, 890, 39 S. E. 395. "Bodily heirs" as used in the principal case must mean children. Where words importing equal division are used, as in the principal case, a presumption is raised in favor of giving *per capita*. *In re Stone*, [1895] 2 Ch. 196, 201; *Kling* v. *Schnellbecker*, 107 Ia. 636, 638, 78 N. W. 673. This presumption, however, yields to very slight evidence of a different intention in the context of the will. See *Scott's Estate*, 163 Pa. St. 165, 169; 2 JARMAN, WILLS, 6 ed., 1712. Had the gift in the principal case been substitutional, *i. e.*, to several persons *or* their children, a different result would have been reached. *Congreve* v. *Palmer*, 16 Beav. 435. See *Kling* v. *Schnellbecker*, 107 Ia. 636, 639, 78 N. W. 673, 674.

WITNESSES — PRIVILEGE AGAINST SELF-INCRIMINATION — USE IN EVIDENCE OF BANKRUPT'S BOOKS IN POSSESSION OF TRUSTEE. — The defendant's books were taken over by a receiver and afterwards by a trustee in bankruptcy. They were used against him without his knowledge in subsequent proceedings before the grand jury. *Held*, that the defendant's constitutional right not to be compelled to be a witness against himself was not violated. *United States* v. *Halstead*, 40 Wash. L. Rep. 23 (D. C., Ct. App., Jan. 2, 1912).

The constitutional sanction of the common-law privilege against self-incrimination forbids compelling a person to act affirmatively in furnishing evidence against himself. See 4 WIGMORE, EVIDENCE, §§ 2252, 2263, 2264. The production of documents under a *subpœna* or other process treating him as a witness may be refused. *Boyle* v. *Smithman*, 146 Pa. St. 255, 23 Atl. 397; *Lamson* v. *Boyden*, 160 Ill. 613, 43 N. E. 781. But articles obtained by search, whether legal or not, may be admitted in evidence without violating the privilege. *Gindrat* v. *People*, 138 Ill. 103, 27 N. E. 1085; *Adams* v. *New York*, 192 U. S. 585, 24 Sup. Ct. 372. But see *Boyd* v. *United States*, 116 U. S. 616, 633–635, 6 Sup. Ct. 524, 532–534. A bankrupt must deliver his account-books to a receiver, although they contain incriminating information. *Matter of Harris*, 221 U. S. 274, 31 Sup. Ct. 557. *Contra*, *In re Kanter*, 117 Fed. 356. And they may afterwards be used as evidence against him. *Kerrch* v. *United States*, 171 Fed. 366. But *cf.* *Blum* v. *State*, 94 Md. 375, 51 Atl. 26. Where, as in the principal case, the books have been delivered to a trustee, there is an additional reason for reaching the same result. The trustee is vested by operation of law with title to the bankrupt's property. BANKRUPTCY ACT OF 1898, § 70 *a* (1). See *In re Hess*, 134 Fed. 109, 111. Therefore, its use before the grand jury cannot be a violation of his constitutional rights. Thus, through the trustee as intermediary, a person may have to divulge information which cannot be got directly. But "that is one of the misfortunes of bankruptcy if it follows crime." See *Matter of Harris*, 221 U. S. 274, 279, 31 Sup. Ct. 557, 558.